

REMARKS

By this Amendment, the claims are amended to merely clarify the recited subject matter without further limiting the scope of the invention. Claims 1-33 are pending. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Claim 1-4, 7-10, 16-20, 22-26, 28, and 30-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kennedy et al. (U.S. Patent No. 5,903,603; hereafter "Kennedy") in view of Duault et al. (U.S. Patent 5,638,365; hereafter "Duault"), claims 12-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kennedy, Duault and Chen (U.S. Patent No. 6,553,423).

Applicants appreciate the indication that claims 5-6, 11, 21, 27, and 29 would be allowable if rewritten in independent form; however, Applicants delay such amendment at this time so as to afford the Office the full opportunity to reconsider the patentability of the rejected claims. Applicants traverse the rejections because the cited prior art references, analyzed individually or in combination, fail to disclose, teach or suggest all the features recited in the rejected claims.

For example, the cited prior art fails to disclose, teach or suggest the claimed method (independent claims 1-3) and system (independent claim 8) that change a capability of a channel allocated to a connection in a telecommunications system, wherein one or more interworking functions detect when a channel capability of the channel allocated to a connection must be changed and the channel capability is changed accordingly. The cited prior art also fails to disclose, teach or suggest the claimed system node including a first interworking function that allocates a channel to a user of the telecommunications system between itself and a second interworking function located in a second node of the telecommunications system, wherein (1) a need for change in the channel capabilities of a channel allocated to the connection is detected and a first message is transmitted to the second interworking function that indicates the desired capability change (independent claim 19 and 32) or 2) a need for change in a channel capability of a channel allocated to the connection is received in a first message, a check is performed whether the change indicated in the first message can be performed, and if it can, a second message is transmitted which indicates that the first interworking function can perform desired capability change for the channel allocated to the connection (as recited in independent claims 25 and 33).

Kennedy merely teaches that training is performed to establish connection of an end-to-end communication channel. However, Kennedy fails to disclose, teach or suggest any type of training performed for an already established connection, which is the subject matter of the claimed invention.

Thus, the teachings of Kennedy are expressly limited to the subject of modem training, which occurs only during allocation of a channel, prior to the connection being established. To the contrary, the claimed invention includes features relating to a channel capability change occurring for an allocated channel. Thus, Kennedy fails to disclose, teach or suggest any functionality or operations performed in association with a channel that has already been allocated. Hence, Kennedy fails to teach or suggest any of the claimed functionality performed for a channel allocated to a connection, e.g., detecting a need for change, receiving messages indicating a need for change, checking whether a change can be performed, etc.

Duault fails to remedy these deficiencies of Kennedy because Duault merely teaches methodologies for changing a data structure. However, changing a data structure is not the same as changing a channel capability; moreover, changing a data structure does not result in changing a channel capability. In fact, Duault actually teaches away from the claimed invention by teaching that, since the channel capability remains the same, regardless of different needs, either: (1) more channels are allocated for a connection; or (2) a data structure submitted over a channel is modified. In this way, teaches how to enable different bit rates without modifying the capabilities of an ATM channel.

Chen also fails to remedy these deficiencies of Kennedy and Duault because Chen relates exclusively router operations performed in order to maintain routing capabilities during routing capability updates. However, Chen is silent regarding the claimed channel capability need detection and subsequent changes based on identified potential changes. Accordingly, even when combined, the cited prior art references fail to disclose, teach or suggest the claimed invention recited in the independent claims. Therefore, Applicants submit that the independent claims and their respective dependent claims are allowable over the cited prior art.

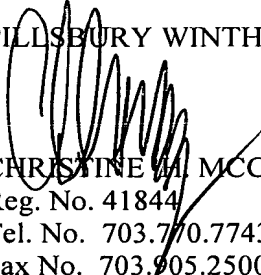
Therefore, Applicants request that a Notice of Allowance indicating the allowability of the pending claims be issued. However, if anything further is necessary to place the application in condition for allowance, Applicants request that the Examiner telephone Applicants' undersigned representative.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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